IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Crl.MC.No. 2606 of 2007()

CRIME NO.158/2007 OF MANIMALA POLICE STATION

PETITIONERS/ACCUSED

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1. ANIL, S/O.VISWANATHAN,
   PUTHANPURAKKAL HOUSE, KADAYANIKKAL HOUSE,
   KADAYANIKKAD MURI, VELLAVOOR, KOTTAYAM DISTRICT.

2. ANAND, S/O.VISWANATHAN,
   PUTHANPURAKKAL HOUSE,
   KADAYANIKKAD MURI, VELLAVOOR,
   KOTTAYAM DISTRICT.

3. AMBILI, D/O.VISWANATHAN,
   PUTHANPURAKKAL HOUSE, KADAYANIKKAD MURI,
   VELLAVOOR, KOTTAYAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

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1. THE STATE OF KERALA,
   REPRESENTED BY THE SUB INSPECTOR OF POLICE,
   MANIMALA POLICE STATION- THROUGH
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM, KOCHI-31.

2. THE DIRECTOR GENERAL OF POLICE,
   POLICE HEAD QUARTERS, TRIVANDRUM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2606 of 2007

Dated this the 4th day of September 2007

O R D E R

The petitioners are accused 1 to 3 in crime No.158/07 of Manimala police station. The petitioners have come to this court with the grievance that the said crime was registered against them with oblique motives with the transparent intention of vexing and harassing the petitioners. They pray that powers under Section 482 Cr.P.C may be invoked and the F.I.R may be quashed.

2. The learned Public Prosecutor, on instructions, submits that the petition is hopelessly belated. The investigation is already complete. Final report was already filed on 30/07/2007 and in these circumstances the prayer made in this petition filed on 7/8/2007 to quash the F.I.R is without any basis.

3. I find merit in the stand taken by the learned Public Prosecutor. It is for the petitioners, if they are aggrieved by the filing of the final report to claim discharge/dropping of proceedings in accordance with law. Reserving the liberty of the

petitioner to raise such contentions and to challenge the final report, this Criminal Miscellaneous Case can in these circumstances be dismissed, I am satisfied.

4. The Learned counsel for the petitioners makes a further grievance that in the course of investigation the investigating officer had resorted to highhanded unjustified methods. If that be so, it is for the petitioner to seek appropriate relief against such conduct of the petitioner before appropriate authorities. Admittedly, except filing this Criminal Miscellaneous Case, no steps have been taken to complain against any such alleged action by the investigating officer . No direction, I am satisfied, need in these circumstances be issued in this Criminal Miscellaneous Case on that aspect also.

5. In the result, this petition is dismissed but subject to the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007